

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4008

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## AN ACT

To authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1995 and 1996, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Oceanic and  
5       Atmospheric Administration Authorization Act of 1994”.

6       **SEC. 2. DEFINITIONS.**

7       For the purposes of this Act, the term—

1           (1) “Act of 1890” means the Act entitled “An  
2    Act to increase the efficiency and reduce the ex-  
3    penses of the Signal Corps of the Army, and to  
4    transfer the Weather Bureau to the Department of  
5    Agriculture”, approved October 1, 1890 (26 Stat.  
6    653);

7           (2) “Act of 1947” means the Act entitled “An  
8    Act to define the functions and duties of the Coast  
9    and Geodetic Survey, and for other purposes”, ap-  
10   proved August 6, 1947 (33 U.S.C. 883a et seq.);  
11   and

12          (3) “Act of 1970” means the Act entitled “An  
13   Act to clarify the status and benefits of commis-  
14   sioned officers of the National Oceanic and Atmos-  
15   pheric Administration, and for other purposes”, ap-  
16   proved December 31, 1970 (33 U.S.C. 857–1 et  
17   seq.).

## 18           **TITLE I—NOAA OCEAN AND** 19           **COASTAL PROGRAMS**

### 20   **SEC. 101. NATIONAL OCEAN SERVICE.**

#### 21           (a) MAPPING AND CHARTING.—

22           (1) IN GENERAL.—There are authorized to be  
23   appropriated to the Secretary of Commerce, to en-  
24   able the National Oceanic and Atmospheric Adminis-  
25   tration to carry out mapping and charting activities

1 under the Act of 1947 and any other law involving  
2 those activities, \$29,005,000 for fiscal year 1995  
3 and \$30,049,000 for fiscal year 1996.

4 (2) AUTOMATED NAUTICAL CHARTING.—In ad-  
5 dition to amounts authorized under paragraph (1),  
6 there are authorized to be appropriated to the Sec-  
7 retary of Commerce, to enable the National Oceanic  
8 and Atmospheric Administration to develop and im-  
9 plement an automated nautical charting system,  
10 \$1,300,000 for fiscal year 1995 and \$1,347,000 for  
11 fiscal year 1996.

12 (b) GEODESY.—There are authorized to be appro-  
13 priated to the Secretary of Commerce, to enable the Na-  
14 tional Oceanic and Atmospheric Administration to carry  
15 out geodesy activities under the Act of 1947 and any other  
16 law involving those activities, \$19,332,000 for fiscal year  
17 1995 and \$20,028,000 for fiscal year 1996.

18 (c) OBSERVATION AND PREDICTION.—

19 (1) IN GENERAL.—There are authorized to be  
20 appropriated to the Secretary of Commerce, to en-  
21 able the National Oceanic and Atmospheric Adminis-  
22 tration to carry out observation and prediction ac-  
23 tivities under the Act of 1947 and any other law in-  
24 volving those activities, \$12,429,000 for fiscal year  
25 1995 and \$12,876,000 for fiscal year 1996.

1           (2) CIRCULATORY SURVEY PROGRAM.—In addi-  
2           tion to amounts authorized under paragraph (1),  
3           there are authorized to be appropriated to the Sec-  
4           retary of Commerce, to enable the National Oceanic  
5           and Atmospheric Administration to carry out the  
6           Circulatory Survey Program, \$700,000 for fiscal  
7           year 1995 and \$725,000 for fiscal year 1996.

8           (3) OCEAN AND EARTH SCIENCES.—In addition  
9           to amounts authorized under paragraph (1), there  
10          are authorized to be appropriated to the Secretary  
11          of Commerce, to enable the National Oceanic and  
12          Atmospheric Administration to carry out ocean and  
13          earth science activities, \$4,442,000 for fiscal year  
14          1995 and \$4,602,000 for fiscal year 1996.

15          (4) CENTER FOR OCEAN ANALYSIS AND PRE-  
16          DICTION.—In addition to amounts authorized under  
17          paragraph (1), there are authorized to be appro-  
18          priated to the Secretary of Commerce, to enable the  
19          National Oceanic and Atmospheric Administration  
20          to continue the activities of the Center for Ocean  
21          Analysis and Prediction, \$400,000 for fiscal year  
22          1995 and \$414,000 for fiscal year 1996.

23          (5) OBSERVATION BUOYS.—In addition to  
24          amounts authorized under paragraph (1), there are  
25          authorized to be appropriated to the Secretary of

1 Commerce, to enable the National Oceanic and At-  
2 mospheric Administration to operate and maintain  
3 observation buoys in the Chesapeake Bay, \$400,000  
4 for fiscal year 1995 and \$414,000 for fiscal year  
5 1996.

6 (d) ESTUARINE AND COASTAL ASSESSMENT.—

7 (1) IN GENERAL.—There are authorized to be  
8 appropriated to the Secretary of Commerce, to en-  
9 able the National Oceanic and Atmospheric Adminis-  
10 tration to support estuarine and coastal assessment  
11 activities under the Act of 1947 and any other law  
12 involving those activities, \$2,420,000 for fiscal year  
13 1995 and \$2,507,000 for fiscal year 1996.

14 (2) OCEAN ASSESSMENT.—In addition to  
15 amounts authorized under paragraph (1), there are  
16 authorized to be appropriated to the Secretary of  
17 Commerce, to enable the National Oceanic and At-  
18 mospheric Administration to carry out the National  
19 Status and Trends Program, the Strategic Environ-  
20 mental Assessment Program, and the Hazardous  
21 Materials Response Program, \$18,945,000 for fiscal  
22 year 1995 and \$19,627,000 for fiscal year 1996.

23 (3) DAMAGE ASSESSMENT PROGRAM.—In addi-  
24 tion to amounts authorized under paragraph (1),  
25 there are authorized to be appropriated to the Sec-

1       retary of Commerce, to enable the National Oceanic  
2       and Atmospheric Administration to carry out the  
3       Damage Assessment Program, \$1,500,000 for fiscal  
4       year 1995 and \$1,554,000 for fiscal year 1996.

5           (4) COASTAL OCEAN PROGRAM.—In addition to  
6       amounts authorized under paragraph (1), there are  
7       authorized to be appropriated to the Secretary of  
8       Commerce, to enable the National Oceanic and At-  
9       mospheric Administration to carry out the Coastal  
10      Ocean Program, \$11,433,000 for fiscal year 1995  
11      and \$11,845,000 for fiscal year 1996. Of the  
12      amounts authorized under this paragraph for fiscal  
13      years 1995 and 1996, a total of \$120,000 is avail-  
14      able until expended to study the use of oceano-  
15      graphic data obtained from satellite imagery and  
16      other sources to determine and predict the presence  
17      of endangered sea turtles in the Gulf of Mexico.

18      (e) OCEAN MANAGEMENT.—There are authorized to  
19      be appropriated to the Secretary of Commerce, to enable  
20      the National Oceanic and Atmospheric Administration to  
21      carry out deep ocean mineral and ocean energy activities,  
22      \$500,000 for each of fiscal years 1995 and 1996.

23   **SEC. 102. OCEAN AND GREAT LAKES RESEARCH.**

24      (a) MARINE PREDICTION RESEARCH.—

1           (1) IN GENERAL.—There are authorized to be  
2           appropriated to the Secretary of Commerce, to en-  
3           able the National Oceanic and Atmospheric Adminis-  
4           tration to carry out marine prediction research ac-  
5           tivities under the Act of 1947, the Act of 1890, and  
6           any other law involving those activities, \$10,000,000  
7           for fiscal year 1995 and \$10,360,000 for fiscal year  
8           1996.

9           (2) GREAT LAKES ENVIRONMENTAL RESEARCH  
10          LABORATORY.—

11           (A) IN GENERAL.—There are authorized to  
12           be appropriated to the Secretary of Commerce,  
13           for the operation and maintenance of the Great  
14           Lakes Environmental Research Laboratory,  
15           \$4,558,000 for fiscal year 1995 and \$4,722,000  
16           for fiscal year 1996.

17           (B) GREAT LAKES NEARSHORE RE-  
18          SEARCH.—There are authorized to be appro-  
19          priated to the Secretary of Commerce, to enable  
20          the National Oceanic and Atmospheric Admin-  
21          istration to carry out nearshore research activi-  
22          ties of the Great Lakes Environmental Re-  
23          search Laboratory, \$500,000 for each of fiscal  
24          years 1995 and 1996.

1           (C) ZEBRA MUSSEL RESEARCH.—In addi-  
2           tion to amounts authorized under subparagraph  
3           (A), there are authorized to be appropriated to  
4           the Secretary of Commerce, to enable the Na-  
5           tional Oceanic and Atmospheric Administration  
6           to carry out zebra mussel research activities of  
7           the Great Lakes Environmental Research Lab-  
8           oratory under the Nonindigenous Aquatic Nui-  
9           sance Prevention and Control Act of 1990 (16  
10          U.S.C. 4701 et seq.), \$911,000 for fiscal year  
11          1995 and \$1,125,000 for fiscal year 1996.

12          (3) SOUTHEAST FLORIDA AND CARIBBEAN RE-  
13          CRUITMENT PROGRAM.—In addition to amounts au-  
14          thorized under paragraph (1), there are authorized  
15          to be appropriated to the Secretary of Commerce a  
16          total of \$2,000,000 for fiscal years 1995 and 1996  
17          to enable the National Oceanic and Atmospheric Ad-  
18          ministration to carry out, through the Cooperative  
19          Institute for Marine and Atmospheric Studies, col-  
20          laborative investigations to examine the physical and  
21          biological processes which—

22                (A) occur in tropical marine environments  
23                in coastal waters of the United States, Florida,  
24                and the Caribbean; and



1 (B) impact variability and development of  
2 fisheries resources.

3 (b) CLIMATE AND GLOBAL CHANGE RESEARCH.—

4 (1) IN GENERAL.—There are authorized to be  
5 appropriated to the Secretary of Commerce, to en-  
6 able the National Oceanic and Atmospheric Adminis-  
7 tration to carry out climate and global change re-  
8 search activities, \$71,000,000 for fiscal year 1995  
9 and \$84,012,000 for fiscal year 1996. Of sums ap-  
10 propriated under this subsection, sufficient funds  
11 should be made available by the Secretary of Com-  
12 merce to initiate and support research on the effects  
13 of climate and global change on the Nation's major  
14 freshwater systems, including the Great Lakes and  
15 the Mississippi River.

16 (2) ENVIRONMENTAL OBSERVATIONS.—In addi-  
17 tion to the amounts authorized to be appropriated  
18 under paragraph (1), there is authorized to be ap-  
19 propriated to the Secretary of Commerce \$7,000,000  
20 for each of fiscal years 1995 and 1996 for a pro-  
21 gram to increase scientific understanding of the  
22 earth by using a network of schools to collect envi-  
23 ronmental observations. Beginning in fiscal year  
24 1996, amounts appropriated for such program may  
25 be obligated only to the extent that an equal or

1 greater amount of non-Federal funding is provided  
2 for such program.

3 (3) IMPLEMENTATION OF LANDSAT AGREE-  
4 MENT.—Section 103 of the Land Remote Sensing  
5 Policy Act of 1992 is amended by adding at the end  
6 the following new subsection:

7 “(c) IMPLEMENTATION OF AGREEMENT.—If negotia-  
8 tions under subsection (a) result in an agreement that the  
9 Landsat Program Management determines generally  
10 achieves the goals stated in subsection (a) (1) through (8),  
11 the Landsat Program Management shall award an exten-  
12 sion, until the practical demise of Landsat 4 or Landsat  
13 5, whichever occurs later, of the existing contract with the  
14 Landsat 6 contractor incorporating the terms of such  
15 agreement.”.

## 16 **TITLE II—NOAA MARINE** 17 **FISHERY PROGRAMS**

### 18 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

19 The National Oceanic and Atmospheric Administra-  
20 tion Marine Fisheries Program Authorization Act (Public  
21 Law 98–210; 97 Stat. 1409) is amended—

22 (1) in section 2(a) by—

23 (A) striking “1992 and” and inserting  
24 “1992,”; and

1 (B) inserting after “1993” the following:

2 “, \$51,092,000 for fiscal year 1995, and  
3 \$52,931,000 for fiscal year 1996”;

4 (2) in section 3(a) by—

5 (A) striking “1992 and” and inserting  
6 “1992,”; and

7 (B) inserting after “1993” the following:

8 “, \$14,198,000 for fiscal year 1995, and  
9 \$14,709,000 for fiscal year 1996”; and

10 (3) in section 4(a) by—

11 (A) striking “1992 and” and inserting  
12 “1992,”; and

13 (B) inserting after “1993” the following:

14 “, \$17,089,000 for fiscal year 1995, and  
15 \$17,704,000 for fiscal year 1996”.

16 **SEC. 202. AMENDMENTS TO THE MERCHANT MARINE ACT,**  
17 **1936.**

18 Section 1104A(b)(2) of the Merchant Marine Act,  
19 1936 (46 App. U.S.C. 1274(b)(2)), is amended in the  
20 third proviso by striking “, except that no debt may be  
21 placed under this proviso through the Federal Financing  
22 Bank”.

23 **SEC. 203. SCALLOP RESTORATION PROGRAM.**

24 There are authorized to be appropriated to the Sec-  
25 retary of Commerce \$200,000 for each of fiscal years

1 1995 and 1996, for the establishment and maintenance  
2 of a scallop restoration program for Long Island Sound.

3 **SEC. 204. SALTONSTALL-KENNEDY PROGRAM AMEND-**  
4 **MENTS.**

5 (a) IN GENERAL.—Section 2 of the Act of August  
6 11, 1939 (15 U.S.C. 713c-3), popularly known as the  
7 “Saltonstall-Kennedy Act”, is amended—

8 (1) by striking “SEC. 2.” the second place it  
9 appears;

10 (2) in subsection (b)(1) by—

11 (A) striking subparagraph (B);

12 (B) striking “only for—” and all that fol-  
13 lows through “the Secretary—” and inserting  
14 “only for use by the Secretary—”;

15 (C) redesignating clauses (i), (ii), and (iii)  
16 in order as subparagraphs (A), (B), and (C);  
17 and

18 (D) moving subparagraphs (A), (B), and  
19 (C), as redesignated by subparagraph (C) of  
20 this paragraph, 2 ems to the left so that the  
21 left margin of those subparagraphs is aligned  
22 with the left margin of section 2(a)(5) of that  
23 Act (15 U.S.C. 713c-3(a)(5)); and

24 (3) by striking the designation and heading for  
25 subsection (c) and all that follows through para-

1 graph (4) of that subsection, and inserting the  
2 following:

3 “(c) FISHERIES RESEARCH AND DEVELOPMENT  
4 PROJECTS.—

5 “(1) IN GENERAL.—The Secretary shall make  
6 grants from the fund established under subsection  
7 (b) for the purpose of assisting persons in carrying  
8 out research and development projects to promote  
9 the sustainable use and development of United  
10 States fisheries, including harvesting, processing,  
11 aquaculture, marketing, and associated infrastruc-  
12 tures.

13 “(2) SECRETARY’S DUTIES.—The Secretary  
14 shall each fiscal year—

15 “(A) receive at least once, during a 60-day  
16 period specified by the Secretary, applications  
17 for grants under this subsection pursuant to a  
18 Request for Proposals published in the Federal  
19 Register;

20 “(B) prescribe in that Request for Propos-  
21 als the form and manner in which applications  
22 for grants under this subsection must be made,  
23 including the specification of the information  
24 which must accompany applications to ensure  
25 that the proposed projects comply with Federal

1 law and can be properly evaluated under para-  
2 graph (3);

3 “(C) include in that Request for Proposals  
4 a list of priorities for grants under this sub-  
5 section that is based on the priorities rec-  
6 ommended for the fiscal year under paragraph  
7 (3)(F); and

8 “(D) approve or disapprove each such  
9 application—

10 “(i) based primarily on the rec-  
11 ommendations of the grants review panel  
12 established under paragraph (3) for the  
13 fiscal year; and

14 “(ii) before the end of the 90-day pe-  
15 riod beginning on the day after the last  
16 day of the application period specified in  
17 the Request for Proposals under subpara-  
18 graph (A); and

19 “(E) to the extent amounts are available,  
20 obligate funds for grants for approved applica-  
21 tions before the end of the fiscal year for which  
22 the funds are available, except that up to 10  
23 percent of funds available for a fiscal year may  
24 be obligated in the next fiscal year.

1           “(3) EVALUATION AND APPROVAL OF PROPOS-  
2       ALS.—

3           “(A) SUITABILITY FOR EVALUATION.—For  
4       each application received under paragraph (2)  
5       in a fiscal year, the Secretary shall—

6           “(i) make a determination whether  
7       the project proposed in the application  
8       meets the requirements of this subsection  
9       and is consistent with the priorities rec-  
10      ommended for the fiscal year under sub-  
11      paragraph (F); and

12          “(ii) if so, forward the proposal to the  
13      grants review panel established for the fis-  
14      cal year under subparagraph (B).

15          “(B) GRANTS REVIEW PANEL.—Each fis-  
16      cal year, the Secretary shall establish a grants  
17      review panel that consists of individuals with  
18      expertise in fisheries research, development, or  
19      management, that represents a balance among  
20      those disciplines, that is balanced in the rep-  
21      resentation of those disciplines, and that is bal-  
22      anced in the representation of the geographic  
23      regions of the United States. Each grants re-  
24      view panel shall review each proposal forwarded  
25      by the Secretary under subparagraph (A)(ii)

1 and make recommendations to the Secretary for  
2 awarding grants under this subsection among  
3 those proposals for the fiscal year, subject to  
4 the criteria described in subparagraph (C) and  
5 consistent with the funding available for the  
6 fiscal year.

7 “(C) CRITERIA FOR EVALUATION OF PRO-  
8 POSALS.—Each grants review panel shall evalu-  
9 ate each proposal as to—

10 “(i) the value of the proposal in pro-  
11 moting the purpose described in paragraph  
12 (1) in general and in fulfilling the applica-  
13 ble regional priorities recommended under  
14 subparagraph (F);

15 “(ii) the soundness of its design (in-  
16 cluding the likelihood of securing useful re-  
17 sults, and the organization and manage-  
18 ment of the proposal);

19 “(iii) the minimization of duplication  
20 within fisheries research and development  
21 activities; and

22 “(iv) based on the criteria in clauses  
23 (i), (ii) and (iii), the overall quality and  
24 rank of the proposal relative to the other  
25 proposals under review.



1           “(D) INDUSTRIAL PARTNERS.—In evaluat-  
2           ing and ranking proposals under this subsection  
3           that are of equivalent overall quality and rank  
4           based on the criteria set forth in subparagraph  
5           (C), a grants review panel and the Secretary  
6           shall give preference to proposals in which at  
7           least 1 of the persons that would be a principal  
8           grantee under the proposal receives a substan-  
9           tial portion of income from seafood harvesting,  
10          processing, marketing, or propagation.

11          “(E) NOTICE OF DECISION BY THE SEC-  
12          RETARY.—If the Secretary approves or dis-  
13          approves an application for a proposal contrary  
14          to the recommendations of a grants review  
15          panel, the Secretary shall notify the panel, the  
16          Committee on Merchant Marine and Fisheries  
17          of the House of Representatives and the Com-  
18          mittee on Commerce, Science, and Transpor-  
19          tation of the Senate in writing of that decision,  
20          including the reasons for that decision.

21          “(F) RECOMMENDATIONS FOR FUTURE  
22          FUNDING PRIORITIES.—Each grants review  
23          panel shall, after evaluating proposals and mak-  
24          ing grants recommendations, and after consult-  
25          ing with interested parties, recommend to the

1 Secretary for the next fiscal year national and  
2 regional priorities for grants under this sub-  
3 section.

4 “(4) TERMS AND CONDITIONS.—Each grant  
5 made under this subsection shall be subject to such  
6 terms and conditions as the Secretary may require  
7 to protect the interests of the United States, includ-  
8 ing the following:

9 “(A) RECORDS.—The recipient of the  
10 grant—

11 “(i) must keep such records as the  
12 Secretary shall require as being necessary  
13 and appropriate for disclosing the use  
14 made of grant funds; and

15 “(ii) shall allow the Secretary and the  
16 Comptroller General of the United States,  
17 or any of their authorized representatives,  
18 access to such records for purposes of  
19 audit and examination.

20 “(B) AMOUNT OF GRANT.—The amount of  
21 a grant may not be less than 50 percent of the  
22 estimated cost of the project.

23 “(C) PERIOD OF GRANT.—A grant may  
24 not provide funding for more than 2 years from

1 the date of the release of the funds to the  
2 grantee.

3 “(D) STATUS REPORT.—The recipient of a  
4 grant shall submit annually to the Secretary a  
5 project status report. The Secretary may not  
6 release funds to the recipient for any subse-  
7 quent period of funding for that grant or for  
8 any other grant to that recipient made by the  
9 Secretary under this subsection until the Sec-  
10 retary receives that report.”.

11 (b) APPLICATION.—

12 (1) IN GENERAL.—Except as provided in para-  
13 graph (2), the amendments made by this section  
14 apply to fiscal years beginning after the date of the  
15 enactment of this Act.

16 (2) LIST OF REGIONAL PRIORITIES.—Notwith-  
17 standing section 2(c)(2)(C) of the Act of August 11,  
18 1939, as amended by subsection (a)(2) of this sec-  
19 tion, the list of priorities referred to in that section  
20 for the first fiscal year beginning after the date of  
21 the enactment of this Act is not required to be based  
22 on priorities recommended under paragraph (3)(F)  
23 of that section.

1       **TITLE III—ADMINISTRATION**  
2               **AND OTHER ACCOUNTS**

3   **SEC. 301. PROGRAM SUPPORT.**

4       (a) EXECUTIVE DIRECTION AND ADMINISTRATIVE  
5   ACTIVITIES.—There are authorized to be appropriated to  
6   the Secretary of Commerce, to enable the National Oce-  
7   anic and Atmospheric Administration to carry out execu-  
8   tive direction and administrative activities under the Act  
9   of 1970 and any other law involving those activities,  
10   \$25,000,000 for fiscal year 1995 and \$25,900,000 for  
11   fiscal year 1996.

12       (b) SYSTEMS ACQUISITION OFFICE.—There are au-  
13   thorized to be appropriated to the Secretary of Commerce,  
14   to enable the National Oceanic and Atmospheric Adminis-  
15   tration to operate and maintain the Systems Acquisition  
16   Office under the Act of 1970, \$1,100,000 for fiscal year  
17   1995 and \$1,140,000 for fiscal year 1996.

18       (c) CENTRAL ADMINISTRATIVE SUPPORT.—There  
19   are authorized to be appropriated to the Secretary of Com-  
20   merce, to enable the National Oceanic and Atmospheric  
21   Administration to carry out central administrative support  
22   activities under the Act of 1970 and any other law involv-  
23   ing those activities, \$38,000,000 for fiscal year 1995 and  
24   \$39,368,000 for fiscal year 1996.

1 (d) RETIRED PAY.—There are authorized to be ap-  
2 propriated to the Secretary of Commerce, for retired pay  
3 for retired commissioned officers of the National Oceanic  
4 and Atmospheric Administration under the Act of 1970,  
5 \$7,706,000 for fiscal year 1995 and \$7,983,000 for fiscal  
6 year 1996.

7 (e) MARINE SERVICES.—There are authorized to be  
8 appropriated to the Secretary of Commerce, to enable the  
9 National Oceanic and Atmospheric Administration to  
10 carry out marine services activities (including ship oper-  
11 ations, maintenance, and support) under the Act of 1947  
12 and any other law involving those activities, \$63,508,000  
13 for fiscal year 1995 and \$65,794,000 for fiscal year 1996.

14 **TITLE IV—MISCELLANEOUS**  
15 **NOAA PROGRAMS**

16 **SEC. 401. NAUTICAL PRODUCTS.**

17 (a) DEPOSIT AND USE OF RECEIPTS FROM NAU-  
18 TICAL PRODUCTS.—Notwithstanding section 1307(b) of  
19 title 44, United States Code, one-sixth of the fees collected  
20 each fiscal year from the sale of nautical products by the  
21 National Oceanic and Atmospheric Administration and  
22 from any licensing of those products by the National Oce-  
23 anic and Atmospheric Administration which is authorized  
24 by law—

1           (1) shall be deposited into the Operations, Re-  
2           search, and Facilities account of the National Oce-  
3           anic and Atmospheric Administration; and

4           (2) shall be available to the Secretary of Com-  
5           merce, in the manner provided for under section  
6           312(d) of the National Marine Sanctuaries Act, only  
7           for the acquisition and installation of Physical Ocean  
8           Real-Time Systems, the acquisition and maintenance  
9           of upgraded hydrographic survey equipment, and  
10          other National Ocean Service activities directly relat-  
11          ed to the modernization and improvement of mari-  
12          time safety.

13          (b) BUDGETARY TREATMENT OF RECEIPTS FROM  
14          NAUTICAL PRODUCTS.—Amounts deposited and available  
15          to the Secretary of Commerce under subsection (a)(1) and  
16          (2)—

17               (1) shall not be considered to be offsetting re-  
18               ceipts of the National Oceanic and Atmospheric Ad-  
19               ministration or the Department of Commerce; and

20               (2) shall not be available for administrative  
21               costs of the National Oceanic and Atmospheric Ad-  
22               ministration or the Department of Commerce.

23          (c) DEPLOYMENT OF PHYSICAL OCEAN REAL TIME  
24          SYSTEM.—No later than 270 days after the date of enact-  
25          ment of this Act, the Secretary of Commerce shall deploy,

1 in Galveston Bay and the Houston Ship Channel a Phys-  
2 ical Ocean Real Time System consisting, at a minimum,  
3 of current, wind, tide, salinity, and water level measuring  
4 devices and necessary computer links.

5 **SEC. 402. USE OF OCEAN RESEARCH RESOURCES OF OTHER**  
6 **FEDERAL AGENCIES.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) Changes in the defense needs of the United  
9 States have redefined the status of many defense-  
10 related assets.

11 (2) Observing, monitoring, and predicting the  
12 ocean environment has been a high priority for the  
13 defense community to support ocean operations.

14 (3) Many advances in ocean research have been  
15 made by the defense community which could be  
16 shared with civilian researchers.

17 (4) The National Oceanic and Atmospheric Ad-  
18 ministration's missions to describe and predict the  
19 ocean environment, manage the Nation's ocean and  
20 coastal resources, and promote stewardship of the  
21 world's oceans would benefit from increased coopera-  
22 tion with defense agencies.

23 (b) SENSE OF CONGRESS.—It is the sense of the  
24 Congress that the National Oceanic and Atmospheric Ad-  
25 ministration should expand its efforts to develop inter-

1 agency agreements to further the use of defense-related  
2 technologies, data, and other resources to support its oce-  
3 anic missions.

4 (c) REPORT.—

5 (1) IN GENERAL.—Not later than 120 days  
6 after the date of the enactment of this Act, the Sec-  
7 retary of Commerce shall submit to the Committee  
8 on Merchant Marine and Fisheries of the House of  
9 Representatives and the Committee on Commerce,  
10 Science, and Transportation of the Senate a report  
11 on the feasibility of expanding the use of defense-re-  
12 lated technologies, data, and other resources to sup-  
13 port and enhance the oceanic missions of the Na-  
14 tional Oceanic and Atmospheric Administration.

15 (2) CONTENTS.—The report required under  
16 paragraph (1) shall include—

17 (A) a detailed listing of defense-related re-  
18 sources currently available to the National Oce-  
19 anic and Atmospheric Administration and the  
20 National Oceanic and Atmospheric Administra-  
21 tion missions which utilize those resources;

22 (B) detailed findings and recommenda-  
23 tions, including funding requirements, on the  
24 potential for expanding the use of available de-  
25 fense-related resources;



1 (C) a detailed listing and funding history  
2 of the National Oceanic and Atmospheric Ad-  
3 ministration resources, including data and tech-  
4 nology, which could be supplemented by de-  
5 fense-related resources;

6 (D) a listing of currently unavailable de-  
7 fense-related resources, including data and  
8 technology, which if made available would en-  
9 hance the National Oceanic and Atmospheric  
10 Administration mission performance;

11 (E) recommendations on the regulatory  
12 and legislative structures needed to maximize  
13 the use of defense-related resources;

14 (F) an assessment of the respective roles  
15 in the use of defense-related resources of the  
16 Corps, data centers, operational centers, and re-  
17 search facilities of the National Oceanic and At-  
18 mospheric Administration; and

19 (G) recommendations on how to provide  
20 access to relevant defense-related data for non-  
21 Federal scientific users.

22 **SEC. 403. NAUTICAL CHARTING MODERNIZATION AND IM-**  
23 **PROVEMENT.**

24 (a) STUDY.—Not later than 270 days after the date  
25 of the enactment of this Act, the Secretary of Commerce

1 shall submit to the Committee on Merchant Marine and  
2 Fisheries of the House of Representatives and the Com-  
3 mittee on Commerce, Science, and Transportation of the  
4 Senate a report on the status of National Oceanic and At-  
5 mospheric Administration programs related to marine  
6 navigation safety.

7 (b) CONTENTS.—The study under subsection (a)  
8 shall include the funding history of navigation-related pro-  
9 grams of the National Oceanic and Atmospheric Adminis-  
10 tration, adjusted for inflation, over at least the last 10  
11 fiscal years, and detailed findings and recommendations  
12 on the following:

13 (1) The missions and objectives of National  
14 Oceanic and Atmospheric Administration’s naviga-  
15 tion-related programs, including regarding the statu-  
16 tory or other authorities that enable or require the  
17 National Oceanic and Atmospheric Administration  
18 to conduct those programs.

19 (2) The technological, financial, or other factors  
20 that limit the National Oceanic and Atmospheric  
21 Administration’s ability to modernize its navigation-  
22 related programs.

23 (3) Near-term actions, without regard to finan-  
24 cial constraints, that are required to enable National  
25 Oceanic and Atmospheric Administration to address

1 critical deficiencies in its navigation-related pro-  
2 grams.

3 (4) Actions that need to be taken to allow the  
4 National Oceanic and Atmospheric Administration  
5 to fulfill its navigation-related responsibilities into  
6 the 21st century.

7 (5) A comparison of the resources and activities  
8 of National Oceanic and Atmospheric Administra-  
9 tion's navigation-related programs with those of  
10 other Federal agencies supporting the United States  
11 maritime infrastructure.

12 (6) Past organizational changes within the Na-  
13 tional Oceanic and Atmospheric Administration and  
14 foreseeable future organizational changes that have  
15 affected, or would affect, the ability of the National  
16 Oceanic and Atmospheric Administration to provide  
17 navigation-related services.

18 **SEC. 404. WEST COAST GROUND FISH LABORATORY.**

19 (a) SITE SELECTION FACTORS.—In selecting a site  
20 for placement of a replacement for the National Marine  
21 Fisheries Service Lab at Tiburon, California, the Sec-  
22 retary of Commerce shall take into account the following  
23 factors:

24 (1) The proximity of sites considered to—

1 (A) groundfish fisheries, salmon fisheries,  
2 and other unique marine study areas;

3 (B) academic and private research institu-  
4 tions which conduct relevant marine habitat  
5 and environmental research;

6 (C) other National Oceanic and Atmos-  
7 pheric Administration research and manage-  
8 ment elements; and

9 (D) other Federal, State, and private ma-  
10 rine related research facilities.

11 (2) The ability of the National Oceanic and At-  
12 mospheric Administration to retain current staff.

13 (3) The relative construction and operation  
14 costs, including the potential for collocation with  
15 other Federal facilities.

16 (b) AUTHORIZATION FOR ARCHITECTURE AND ENGI-  
17 NEERING STUDIES.—In addition to amounts otherwise au-  
18 thorized by this Act, there are authorized to be appro-  
19 priated to the Secretary of Commerce, for architecture and  
20 engineering studies regarding the replacement for the Na-  
21 tional Marine Fisheries Service Lab at Tiburon, Califor-  
22 nia, \$1,500,000 for fiscal year 1995.

23 **SEC. 405. MARINE SANCTUARIES FACILITIES.**

24 Not later than 120 days after the date of the enact-  
25 ment of this Act, the Secretary of Commerce shall report

1 to the Committee on Merchant Marine and Fisheries of  
2 the House of Representatives and the Committee on Com-  
3 merce, Science, and Transportation of the Senate on needs  
4 of the Department of Commerce for facilities (including  
5 real property for facilities) for the National Marine Sanc-  
6 tuary Program established under the National Marine  
7 Sanctuaries Act (16 U.S.C. 1431 et seq.).

8 **SEC. 406. SAN FRANCISCO BAY PORT SYSTEM.**

9 (a) IN GENERAL.—The Secretary of Commerce  
10 (hereinafter in this section referred to as the “Secretary”)  
11 shall establish for San Francisco Bay in accordance with  
12 this section the safe navigation system known as the Phys-  
13 ical Ocean Real Time System (known, and hereinafter in  
14 this section referred to, as the “PORT System”), after  
15 completion of implementation of section 401(c).

16 (b) STUDY.—After completion of implementation of  
17 section 401(c), and not later than 1 year after the date  
18 of that completion, the Secretary shall conduct a  
19 hydrodynamics modeling study of San Francisco Bay to  
20 determine the appropriate technology and equipment and  
21 the effective placement of instruments for the establish-  
22 ment of the PORT System for San Francisco Bay.

23 (c) IMPLEMENTATION.—

24 (1) IN GENERAL.—Not later than 1 year after  
25 the completion of the study under subsection (b), the

1 Secretary, in consultation with the State of Califor-  
2 nia Office of Oil Spill Prevention and Response and  
3 subject to paragraph (2), shall acquire, install, and  
4 activate appropriate equipment to establish an oper-  
5 ational PORT System for the San Francisco Bay.

6 (2) CONDITION.—The Secretary may not take  
7 any action under paragraph (1) unless the State of  
8 California Office has provided to the Secretary ade-  
9 quate assurances that the State will fund the oper-  
10 ation and maintenance of the PORT System for San  
11 Francisco Bay after its installation.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to the Secretary to carry  
14 out this section \$4,200,000 for fiscal years 1995 and  
15 1996.

16 **SEC. 407. CONVEYANCE OF NATIONAL MARINE FISHERIES**  
17 **SERVICE LABORATORY AT GLOUCESTER,**  
18 **MASSACHUSETTS.**

19 (a) CONVEYANCE REQUIRED.—

20 (1) IN GENERAL.—The Secretary of Commerce  
21 shall convey to the Commonwealth of Massachusetts,  
22 all right, title, and interest of the United States in  
23 and to the property comprising the National Marine  
24 Fisheries Service laboratory located on Emerson Av-  
25 enue in Gloucester, Massachusetts.

1           (2) TERMS.—A conveyance of property under  
2           paragraph (1) shall be made—

3                   (A) without payment of consideration; and

4                   (B) subject to the terms and conditions  
5           specified under subsections (b) and (c).

6           (b) CONDITIONS FOR TRANSFER.—

7                   (1) IN GENERAL.—As a condition of any con-  
8           veyance of property under this section, the Common-  
9           wealth of Massachusetts shall assume full respon-  
10          sibility for maintenance of the property for as long  
11          as the Commonwealth retains the right and title to  
12          that property.

13                  (2) CONTINUED USE OF PROPERTY BY NMFS.—

14          The Secretary may enter into a memorandum of un-  
15          derstanding with the Commonwealth of Massachu-  
16          setts under which the National Marine Fisheries  
17          Service is authorized to occupy existing laboratory  
18          space on the property conveyed under this section,  
19          if—

20                   (A) the term of the memorandum of un-  
21          derstanding is for a period of not longer than  
22          5 years beginning on the date of enactment of  
23          this Act; and

24                   (B) the square footage of the space to be  
25          occupied by the National Marine Fisheries

1           Service does not conflict with the needs of, and  
2           is agreeable to, the Commonwealth of Massa-  
3           chusetts.

4           (c) REVERSIONARY INTEREST.—All right, title, and  
5   interest in and to all property conveyed under this section  
6   shall revert to the United States on the date on which  
7   the Commonwealth of Massachusetts uses any of the prop-  
8   erty for any purpose other than the Commonwealth of  
9   Massachusetts Division of Marine Fisheries resource man-  
10   agement program.

11   **SEC. 408. REIMBURSEMENT OF EXPENSES.**

12           (a) IN GENERAL.—Notwithstanding section 3302 (b)  
13   and (c) of title 31, United States Code, and subject to  
14   subsection (b) of this section, all amounts received by the  
15   United States in settlement of, or judgment for, damage  
16   claims arising from the October 9, 1992, allision of the  
17   vessel ZACHERY into the National Oceanic and Atmos-  
18   pheric Administration research vessel DISCOVERER—

19           (1) shall be retained as an offsetting collection  
20           in the Fleet Modernization, Shipbuilding, and Con-  
21           version account of the National Oceanic and Atmos-  
22           pheric Administration;

23           (2) shall be deposited in that account upon re-  
24           ceipt by the United States Government; and



1           (3) shall be available only for obligation for Na-  
2           tional Oceanic and Atmospheric Administration ves-  
3           sel repairs.

4           (b) LIMITATION.—Not more than \$518,757.09 of the  
5           amounts referred to in subsection (a) may be deposited  
6           into the Fleet Modernization, Shipbuilding, and Conver-  
7           sion account pursuant to subsection (a).

8   **SEC. 409. NOAA FLEET MODERNIZATION.**

9           (a) AUTHORITY TO CONTRACT.—

10           (1) IN GENERAL.—The Secretary may enter  
11           into only the following contracts in fiscal years 1995  
12           and 1996 to implement the Plan:

13                   (A) Repairs to extend the service life of the  
14                   R/V DISCOVERER.

15                   (B) Construction of a medium endurance  
16                   oceanographic research vessel.

17                   (C) A service life extension of the R/V  
18                   DELAWARE II.

19                   (D) Conversion of a T-AGOS vessel for  
20                   oceanographic research.

21                   (E) Construction of a coastal/low endur-  
22                   ance vessel for living marine research.

23                   (F) Leasing to fulfill any NOAA mission  
24                   requirements.

1 (G) Necessary repairs to and maintenance  
2 of any vessel in the NOAA fleet, subject to sub-  
3 section (b).

4 (H) Necessary requirements, designs, and  
5 specifications for future vessel repair, conver-  
6 sion, construction, or lease.

7 (2) CONTRACT DEFINED.—Section 602 of the  
8 NOAA Fleet Modernization Act (33 U.S.C. 891) is  
9 amended by adding at the end the following:

10 “(6) ‘contract’ means any contract or other  
11 agreement for the construction, conversion, lease,  
12 chartering, service life extension, or repair or main-  
13 tenance of any vessel of the NOAA fleet, and provi-  
14 sion of related equipment, including the development  
15 of any necessary requirement, design, or specifica-  
16 tion. The term includes contracts entered into on be-  
17 half of the Secretary by another Federal depart-  
18 ment, agency, or instrumentality, if the vessel which  
19 is the subject of the contract will be operated by or  
20 for the benefit of the Department of Commerce.”.

21 (b) LIMITATION ON EXPENDITURES FOR REPAIRS  
22 AND MAINTENANCE.—Notwithstanding any other law, of  
23 the total amount appropriated for fiscal years 1991  
24 through 1996 to the Fleet Modernization, Shipbuilding,  
25 and Conversion account of the National Oceanic and At-

1 mospheric Administration, not more than 20 percent may  
2 be expended by the Secretary for repairs and maintenance  
3 of vessels in the NOAA fleet.

4 (c) LEASING AND CONTRACTS.—

5 (1) IN GENERAL.—The Secretary shall for each  
6 of fiscal years 1995 and 1996, enter into contracts  
7 or service contracts under the NOAA Fleet Mod-  
8 ernization Act (33 U.S.C. 891 et seq.) to use Uni-  
9 versity-National Oceanographic Laboratory System  
10 or non-Federal vessels.

11 (2) AMOUNT SUBJECT TO OBLIGATION.—  
12 Amounts subject to obligation under paragraph (1)  
13 shall be, for each fiscal year, the greater of  
14 \$6,000,000 or 10 percent of the amounts appro-  
15 priated to the Fleet Modernization, Shipbuilding,  
16 and Conversion account for fiscal years 1995 and  
17 1996.

18 (d) DEFINITIONS.—In this section each of the terms  
19 “contract”, “NOAA”, “NOAA fleet”, “Plan”, and “Sec-  
20 retary” has the meaning given to that term in section 602  
21 of the NOAA Fleet Modernization Act (33 U.S.C. 891),  
22 as amended by this section.

23 **SEC. 410. STUDY OF NOAA CORPS.**

24 (a) STUDY.—The Secretary of Commerce shall, sub-  
25 ject to the availability of appropriations, contract with the

1 Marine Board of the National Research Council to exam-  
2 ine and report to the Secretary on the appropriate role  
3 of the National Oceanic and Atmospheric Administration  
4 Corps in supporting NOAA missions. In particular, the  
5 Marine Board shall—

6           (1) examine whether there is a continued need  
7       for a uniformed service to operate the NOAA fleet,  
8       fly weather observations, conduct hydrographic sur-  
9       veys, manage national marine sanctuaries, conduct  
10      NOAA research, and participate in other NOAA  
11      activities;

12           (2) examine the role of the NOAA Corps in  
13      modernizing the NOAA fleet and the involvement of  
14      the NOAA Corps in obtaining efficient, effective,  
15      low-cost ship support of NOAA missions;

16           (3) compare the full costs of utilizing the serv-  
17      ices of the NOAA Corps compared to civilian em-  
18      ployees in similar positions; and

19           (4) determine whether adequately trained civil-  
20      ian employees are available to fill NOAA Corps posi-  
21      tions.

22       (b) DEADLINE.—No later than 1 year after the date  
23 of enactment of this Act, the Secretary of Commerce shall  
24 submit the report of the Marine Board under subsection  
25 (a) to the Committee on Merchant Marine and Fisheries

1 of the House of Representatives and the Committee on  
2 Commerce, Science, and Transportation of the Senate.

3 (c) DEFINITIONS.—In this section, the definitions in  
4 section 409(d) apply.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
6 authorized to be appropriated to the Secretary of Com-  
7 merce to carry out this section a total of \$100,000 for  
8 fiscal years 1995 and 1996, to remain available until  
9 expended.

10 **SEC. 411. REPORT ON RESEARCH AND EFFECTS OF CLI-**  
11 **MATE AND GLOBAL CHANGE ON FRESH-**  
12 **WATER SYSTEMS.**

13 Within 60 days after the date of submission of the  
14 President's budget request for each of fiscal years 1996  
15 and 1997, the Secretary of Commerce shall submit a re-  
16 port to the Committee on Merchant Marine and Fisheries  
17 of the House of Representatives and the Committee on  
18 Commerce, Science, and Transportation of the Senate,  
19 on—

20 (1) the amount of funds allocated and the ac-  
21 tivities supported for research on the effects of cli-  
22 mate and global change on the Nation's major fresh-  
23 water systems, including international commitments;

24 (2) the criteria used in determining those allo-  
25 cations and in selecting those activities; and

1           (3) specific proposed agency plans for imple-  
2           menting research programs and activities to evaluate  
3           the effects of climate and global change on the Na-  
4           tion's major freshwater systems.

5   **SEC. 412. PROMOTION AND COORDINATION OF NATIONAL**  
6                   **ESTUARINE RESEARCH RESERVES.**

7           The Secretary of Commerce shall take such action as  
8   is necessary and reasonable to promote and coordinate the  
9   use of National Estuarine Research Reserves for research,  
10   monitoring, and education purposes. Such action may in-  
11   clude consulting with Federal agencies, States, local gov-  
12   ernments, regional agencies, interstate agencies, or other  
13   persons to promote use of one or more such reserves for  
14   research, monitoring, and education, including coordina-  
15   tion with the National Marine Sanctuaries Program.

16   **SEC. 413. STUDY ON EFFECTS OF DOLPHIN FEEDING.**

17           (a) STUDY.—The Secretary of Commerce shall con-  
18   duct a study on the effects of feeding noncaptive dolphins  
19   in the Gulf of Mexico and Southern Atlantic Ocean. The  
20   study shall consider the potential impacts on the behavior  
21   or general health of wild populations of dolphins resulting  
22   from this feeding.

23           (b) USE OF THE STUDY.—The Secretary of Com-  
24   merce shall use the results of the study required under

1 subsection (a) in determining whether and under what  
2 conditions feeding noncaptive dolphins may be authorized.

3 (c) REPORT.—Within 1 year after the date of enact-  
4 ment of this Act, the Secretary shall submit to the Com-  
5 mittee on Merchant Marine and Fisheries of the House  
6 of Representatives and the Committee on Commerce,  
7 Science, and Transportation of the Senate a report on the  
8 results of the study.

9 **SEC. 414. FLOWER GARDEN BANKS BOUNDARY MODIFICA-**  
10 **TION.**

11 (a) MODIFICATION.—Notwithstanding section 304 of  
12 the National Marine Sanctuaries Act (16 U.S.C. 1434),  
13 the boundaries of the Flower Garden Banks National Ma-  
14 rine Sanctuary, as designated by Public Law 102–251, are  
15 amended to include the area described in subsection (d),  
16 popularly known as Stetson Bank. This area shall be part  
17 of the Flower Garden Banks National Marine Sanctuary  
18 and shall be managed and regulated as though it had been  
19 designated by the Secretary of Commerce under the  
20 National Marine Sanctuaries Act.

21 (b) DEPICTION OF SANCTUARY BOUNDARIES.—The  
22 Secretary of Commerce shall—

23 (1) prepare a chart depicting the boundaries of  
24 the Flower Garden Banks National Marine Sanc-  
25 tuary, as modified by this section; and

1           (2) submit copies of this chart to the Commit-  
2       tee on Merchant Marine and Fisheries of the House  
3       of Representatives and the Committee on Commerce,  
4       Science, and Transportation of the Senate.

5       (c) APPLICATION OF REGULATIONS.—Regulations is-  
6       sued by the Secretary of Commerce to implement the des-  
7       ignation of the Flower Garden Banks National Marine  
8       Sanctuary shall apply to the area described in subsection  
9       (d), unless modified by the Secretary. This subsection  
10      shall take effect 45 days after the date of enactment of  
11      this Act.

12      (d) AREA DESCRIBED.—

13           (1) IN GENERAL.—Except as provided in para-  
14      graph (2), the area referred to in subsections (a),  
15      (b), and (c) is the area that is—

16           (A) generally depicted on the Department  
17           of the Interior, Minerals Management Service  
18           map titled “Western Gulf of Mexico, Lease Sale  
19           143, September 1993, Biologically Sensitive  
20           Areas, Map 3 of 3, Final”;

21           (B) labeled “Stetson” on the High Island  
22           Area South Addition diagram on that map; and

23           (C) within the 52 meter isobath.

24           (2) MINOR BOUNDARY ADJUSTMENTS.—The  
25      Secretary of Commerce may make minor adjust-



1       ments to the boundaries of the area described in  
2       paragraph (1) as necessary to protect the living  
3       coral resources of Stetson Bank or to simplify ad-  
4       ministration of the Flower Garden Banks National  
5       Marine Sanctuary.

6       (e) PUBLICATION OF NOTICE.—

7           (1) IN GENERAL.—The Secretary of Commerce  
8       shall, as soon as practicable after the date of the en-  
9       actment of this Act, publish in the Federal Register  
10      a notice describing—

11           (A) the boundaries of the Flower Garden  
12      Banks National Marine Sanctuary, as modified  
13      by this section, and

14           (B) any modification of regulations appli-  
15      cable to that Sanctuary that are necessary to  
16      implement that modification of the boundaries  
17      of the Sanctuary.

18       (2) TREATMENT AS NOTICE REQUIRED UNDER  
19      NATIONAL MARINE SANCTUARIES ACT.—A notice  
20      published under paragraph (1) shall be considered to  
21      be the notice required to be published under section  
22      304(b)(1) of the National Marine Sanctuaries Act  
23      (16 U.S.C. 1434).

1 **SEC. 415. AMENDMENTS RELATING TO NATIONAL COASTAL**  
2 **RESOURCES RESEARCH AND DEVELOPMENT**  
3 **INSTITUTE.**

4 (a) ADMINISTRATION OF INSTITUTE.—Section  
5 201(a) of the Act entitled “An Act to authorize appropria-  
6 tions to carry out the Marine Mammal Protection Act of  
7 1972, for fiscal years 1985 through 1988, and for other  
8 purposes” (16 U.S.C. 1463b(a)) is amended by striking  
9 “by the Oregon State Marine Science Center” and insert-  
10 ing “by the Oregon State System of Higher Education”.

11 (b) FUNCTIONS OF INSTITUTE.—Section 201(b) of  
12 such Act (16 U.S.C. 1463b(b)) is amended to read as  
13 follows:

14 “(b) The Institute shall promote the economic growth  
15 and prosperity of the United States by transferring re-  
16 search and technology into applications to improve the  
17 economic, environmental, and social well-being of the  
18 Nation’s coastal communities and the competitiveness of  
19 coastal businesses.”.

20 (c) MEMBERSHIP OF BOARD OF GOVERNORS.—Sec-  
21 tion 201(c)(1) of such Act (16 U.S.C. 1463b(c)(1)) is  
22 amended to read as follows:

23 “(c)(1) The policies of the Institute shall be deter-  
24 mined by a Board of Governors composed of—

1           “(A) 1 representative appointed by the Chan-  
2           cellor of the Oregon State System of Higher Edu-  
3           cation; and

4           “(B) 1 representative of each of the following  
5           regions, appointed jointly by Governors of the States  
6           comprising that region:

7                   “(i) The Alaska region, consisting of  
8                   Alaska.

9                   “(ii) The Northwest Pacific Coast region,  
10                  consisting of Oregon and Washington.

11                  “(iii) The Southwest Pacific Coast region,  
12                  consisting of California.

13                  “(iv) The Pacific Islands region, consisting  
14                  of Hawaii, American Samoa, and Guam.

15                  “(v) The Great Lakes region, consisting of  
16                  Pennsylvania, Ohio, Michigan, Indiana, Illinois,  
17                  Wisconsin, and Minnesota.

18                  “(vi) The Gulf Coast region, consisting of  
19                  Texas, Louisiana, Mississippi, and Alabama.

20                  “(vii) The South Atlantic and Caribbean  
21                  region, consisting of South Carolina, Georgia,  
22                  Florida, Puerto Rico, and the U.S. Virgin Is-  
23                  lands.

1           “(viii) The Mid-Atlantic region, consisting  
2           of Delaware, Maryland, Virginia, and North  
3           Carolina.

4           “(ix) The North Atlantic region, consisting  
5           of New Jersey, New York, Connecticut, Rhode  
6           Island, Massachusetts, New Hampshire, and  
7           Maine.”.

8           (d) ADVISORY COUNCIL.—Section 201(d)(1) of such  
9   Act (16 U.S.C. 1463b(d)(1)) is amended by inserting  
10   “and leaders in coastal communities and businesses” after  
11   “community”.

12          (e) CONFORMING AMENDMENT.—Section 201(e) of  
13   such Act (16 U.S.C. 1463b(e)) is amended by striking  
14   “Oregon Board of Higher Education” and inserting “Or-  
15   egon State System of Higher Education”.

16          (f) REPORTS.—Section 201(g) of such Act (16  
17   U.S.C. 1463b(g)) is amended to read as follows:

18          “(g) The Institute shall report to the Congress on  
19   its activities annually, and shall report to the Secretary  
20   of Commerce in a like manner biennially.”.

21   **SEC. 416. SENSE OF CONGRESS REGARDING PROMOTION**  
22                           **OF MINORITIES AND WOMEN IN COASTAL**  
23                           **AND OCEAN PROGRAMS.**

24          It is the sense of the Congress that the National Oce-  
25   anic and Atmospheric Administration should develop and

1 promote programs that reach out to and recruit minorities  
2 and women for education in the sciences and take actions  
3 to increase the direct involvement of underrepresented mi-  
4 norities in coastal and ocean resource stewardship pro-  
5 grams carried out directly by the National Oceanic and  
6 Atmospheric Administration and in partnership with State  
7 and local governments, universities, and other entities. To  
8 this end, the National Oceanic and Atmospheric Adminis-  
9 tration should create minority internship programs to de-  
10 velop a pool of professionals in coastal and ocean science  
11 and management, and to make these programs an eligible  
12 use of grant and program funds distributed by the Na-  
13 tional Oceanic and Atmospheric Administration to States,  
14 universities, and other entities.

15 **SEC. 417. CHESAPEAKE BAY.**

16 (a) REPEAL.—If by December 1, 1994, the Secretary  
17 of Commerce fails to obligate all funds appropriated to  
18 the Secretary of Commerce by Public Law 103–121 for  
19 oyster disease research, section 307 of the National Oce-  
20 anic and Atmospheric Administration Act of 1992 (15  
21 U.S.C. 1511d), requiring the establishment of a National  
22 Oceanic and Atmospheric Administration Chesapeake Bay  
23 Estuarine Resources Office, is repealed.

24 (b) ASSIGNMENT OF FUNCTIONS.—If section 307 of  
25 the National Oceanic and Atmospheric Administration Act

1 of 1992 (15 U.S.C. 1511d) is repealed by subsection (a),  
2 the Secretary of Commerce shall immediately—

3 (1) enter into a cooperative agreement with the  
4 directors of the Maryland and Virginia Sea Grant  
5 colleges to administer all funds appropriated to the  
6 Secretary of Commerce under any law for oyster dis-  
7 ease research and Chesapeake Bay studies; and

8 (2) transfer the functions of the former Na-  
9 tional Oceanic and Atmospheric Administration  
10 Chesapeake Bay Estuarine Resources Office to the  
11 Director of the Coastal Ocean Program.

12 The Director may delegate any of the functions trans-  
13 ferred under paragraph (2) to the directors of the Mary-  
14 land and Virginia Sea Grant colleges under the coopera-  
15 tive agreement required under paragraph (1).

16 (c) REPEAL AND AUTHORIZATION OF APPROPRIA-  
17 TIONS.—

18 (1) REPEAL.—Section 2(e) of the National Oce-  
19 anic and Atmospheric Administration Marine Fish-  
20 eries Program Authorization Act (Public Law 98–  
21 210, 97 Stat. 1409) is repealed.

22 (2) AUTHORIZATION.—There is authorized to  
23 be appropriated to the Secretary of Commerce to im-  
24 plement section 307 of the National Oceanic and At-  
25 mospheric Administration Act of 1992 (15 U.S.C.

1 1511d) and this section, \$2,500,000 for each of fis-  
2 cal years 1995 and 1996, to remain available until  
3 expended.

4 **SEC. 418. WEATHER REPORTING STATIONS FOR PRINCE**  
5 **WILLIAM SOUND.**

6 (a) INSTALLATION.—To provide more comprehensive  
7 weather information to ensure the safety of fishermen and  
8 tank vessels and to protect the resources of Prince William  
9 Sound from potential oil spills, the Secretary of Commerce  
10 may expend \$340,000 to acquire, construct, and install  
11 weather reporting stations in Prince William Sound, Alas-  
12 ka, as follows:

13 (1) In the vicinity of Seal Rocks, to acquire and  
14 install a weather buoy capable of measuring and re-  
15 porting wind speed and direction, barometric pres-  
16 sure, wave height and period, and air temperature.

17 (2) On the existing tower at Bligh Reef, to ac-  
18 quire and install a weather instrument capable of  
19 measuring and reporting wind speed and direction.

20 (3) At Potato Point, to relocate the existing an-  
21 emometer to a more exposed location in order to  
22 provide more accurate information.

23 (4) At the Hinchinbrook Lighthouse site, to ac-  
24 quire and install an anemometer.

1       (b) MAINTENANCE.—The Secretary of Commerce  
2 may expend \$160,000 in each of fiscal years 1995 and  
3 1996 to maintain the equipment identified in subsection  
4 (a).

5 **SEC. 419. PURCHASE OF REMOTELY SENSED SCIENCE**  
6 **DATA.**

7       (a) IN GENERAL.—To the maximum extent possible,  
8 the Secretary of Commerce shall purchase from the pri-  
9 vate sector remotely sensed science data. Examples of such  
10 data include scientific data concerning the impact of  
11 oceans worldwide on global climate change and concerning  
12 the condition of the oceans.

13       (b) COMPETITIVE BIDDING.—(1) Contracts for the  
14 purchase of remotely sensed data under this section shall  
15 be awarded in a process of full, fair, and open competitive  
16 bidding.

17       (2) Submission of cost data, either for the purposes  
18 of supporting the bid or fulfillment of the contract, shall  
19 not be required of bidders.

20       (3) Conformance with military specifications  
21 (Milspec) or Department of Commerce specifications sys-  
22 tems with respect to the design, construction, or operation  
23 of equipment used in obtaining remotely sensed data  
24 under contracts entered into under this section shall not



1 be a requirement for a commercial provider bidding to pro-  
2 vide such services.

3 (4) Contracts under this section shall not provide for  
4 the Federal Government to obtain ownership of data not  
5 specifically sought by the Federal Government.

6 **SEC. 420. PURCHASE OF AMERICAN-MADE EQUIPMENT AND**  
7 **PRODUCTS.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that, to the greatest extent practicable, all equip-  
10 ment and products purchased with funds made available  
11 in this Act should be American-made.

12 (b) NOTICE REQUIREMENT.—In providing financial  
13 assistance to, or entering into any contract with, any en-  
14 tity using funds made available in this Act, the head of  
15 each Federal agency, to the greatest extent practicable,  
16 shall provide to such entity a notice describing the state-  
17 ment made in subsection (a) by the Congress.

18 **SEC. 421. AUTHORIZATION FOR ENFORCEMENT ACTIVITIES**  
19 **IN MONTEREY BAY NATIONAL MARINE SANC-**  
20 **TUARY.**

21 Of amounts provided hereafter in appropriations Acts  
22 for the National Marine Sanctuaries Programs, up to  
23 \$150,000 may be expended in each of fiscal years 1995  
24 and 1996, on a 1-to-1 matching basis with non-federal

1 funds, for operation and maintenance of an enforcement  
2 vessel for the Monterey Bay National Marine Sanctuary.

## 3 **TITLE V—GREAT LAKES** 4 **IMPROVEMENTS**

### 5 **SEC. 501. SHORT TITLE.**

6 This title may be cited as the “National Oceanic and  
7 Atmospheric Administration Great Lakes Improvements  
8 Act”.

### 9 **SEC. 502. GREAT LAKES OFFICE.**

10 (a) ESTABLISHMENT.—The Under Secretary may es-  
11 tablish and maintain within the Administration a Great  
12 Lakes Office in the Washington, District of Columbia  
13 area.

14 (b) PURPOSE.—The purpose of the Great Lakes Of-  
15 fice shall be to promote and coordinate Administration re-  
16 search, monitoring, and assessment work in the Great  
17 Lakes region consistent with the goals of the Great Lakes  
18 Water Quality Agreement.

19 (c) DIRECTOR.—The Director of the Great Lakes Of-  
20 fice shall be an individual with extensive knowledge and  
21 expertise in the Great Lakes ecosystem, and with appro-  
22 priate administrative experience.

### 23 **SEC. 503. GREAT LAKES REPORT.**

24 (a) CONTENTS.—Subject to the availability of appro-  
25 priations under section 505, the Under Secretary, in con-

1 sultation with the Director of the Great Lakes Office if  
2 established, shall prepare and submit to Congress an an-  
3 nual Great Lakes Report in accordance with this section.  
4 The Report shall provide information relating to Great  
5 Lakes ecosystem research, monitoring, and assessment,  
6 including—

7           (1) the individual activities, projects, or propos-  
8           als conducted by the Administration in the previous  
9           fiscal year, including a summary of funds expended  
10          in support of these activities, projects, or proposals;

11          (2) the amount of funds received from the Ad-  
12          ministration by each State or local government unit  
13          bordering the Great Lakes;

14          (3) the amount of funds received by individuals  
15          or institutions residing or located within a State bor-  
16          dering the Great Lakes;

17          (4) an inventory of Administration facilities and  
18          personnel located in a State bordering the Great  
19          Lakes or in the Great Lakes used to conduct or sup-  
20          port Administration-funded activities, projects, or  
21          proposals in the Great Lakes, including vessels;

22          (5) the proposed Administration activities,  
23          projects, and proposals to benefit the Great Lakes  
24          ecosystem for the current fiscal year, including re-  
25          quested funds; and

1           (6) a proposal for increasing the presence of the  
2       Administration in the Great Lakes, and improving  
3       the coordination of research within the Administra-  
4       tion and with other entities, including the Govern-  
5       ment of Canada.

6       (b) DEADLINE.—Subject to the availability of appro-  
7       priations under section 505, the Under Secretary shall  
8       submit the Great Lakes Report to the Congress by Octo-  
9       ber 1 of 1995, 1996, 1997, and 1998.

10   **SEC. 504. DEFINITIONS.**

11       In this title—

12           (1) the term “Administration” means the Na-  
13       tional Oceanic and Atmospheric Administration;

14           (2) the term “Great Lakes” means—

15               (A) Lake Erie, Lake Huron, Lake Michi-  
16               gan, Lake Ontario, and Lake Superior;

17               (B) their connecting waters, including the  
18               St. Marys River, the St. Clair River, Lake St.  
19               Clair, the Detroit River, and the Niagara River;  
20               and

21               (C) the St. Lawrence River;

22           (3) the term “Great Lakes Water Quality  
23       Agreement” means the bilateral agreement between  
24       the United States and Canada which was signed in  
25       1978 and amended by the Protocol of 1987; and

1           (4) the term “Under Secretary” means the  
2       Under Secretary of Commerce for Oceans and At-  
3       mosphere.

4   **SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

5       There is authorized to be appropriated to the Under  
6       Secretary to carry out this title \$100,000 for each of fiscal  
7       years 1995, 1996, 1997, and 1998.

8   **TITLE VI—NATIONAL UNDERSEA**  
9       **RESEARCH PROGRAM**

10   **SEC. 601. SHORT TITLE.**

11       This title may be cited as the “National Undersea  
12       Research Program Act of 1994”.

13   **SEC. 602. DEFINITIONS.**

14       For the purposes of this title, the term—

15           (1) “Administration” means the National Oce-  
16       anic and Atmospheric Administration;

17           (2) “Center” means any National Undersea Re-  
18       search Center in existence on the day before the  
19       date of enactment of this Act or established under  
20       section 605;

21           (3) “Center Director” means the Director of  
22       any National Undersea Research Center;

23           (4) “Committee” means the National Undersea  
24       Research Advisory Committee established under sec-  
25       tion 604;

1           (5) “Office” means the Office of Undersea Re-  
2           search established by section 603(d)(1);

3           (6) “priority research area” means any of the  
4           priority research areas set forth in section 603(f)(1),  
5           as those areas may be revised by the Under Sec-  
6           retary under section 603(f)(2);

7           (7) “Program” means the National Undersea  
8           Research Program established under section 603;

9           (8) “Program Director” means the Director of  
10          the National Undersea Research Program appointed  
11          pursuant to section 603(d)(2);

12          (9) “undersea region” means each of—

13                (A) the United States Northern Atlantic  
14                region, comprised of the coastal and oceanic  
15                waters and seabed north of Montauk, New  
16                York, and off Maine, New Hampshire, Massa-  
17                chusetts, Rhode Island, and Connecticut;

18                (B) the Mid-Atlantic Bight region, com-  
19                prised of the coastal and oceanic waters and  
20                seabed south of Montauk, New York, and off  
21                New York, New Jersey, Pennsylvania, Dela-  
22                ware, Maryland, and Virginia;

23                (C) the United States Southern Atlantic  
24                region, comprised of the coastal and oceanic  
25                waters and seabed off North Carolina, South

1 Carolina, Georgia, and the Atlantic coast of  
2 Florida (including the Florida Keys);

3 (D) the Gulf of Mexico region, comprised  
4 of the coastal and oceanic waters and seabed of  
5 the Gulf of Mexico off Florida, Alabama, Mis-  
6 sissippi, Louisiana, and Texas;

7 (E) the Great Lakes region, comprised of  
8 the waters and lake beds of the Great Lakes;

9 (F) the California region, comprised of the  
10 coastal and oceanic waters and seabed off  
11 California;

12 (G) the United States Northeast Pacific  
13 region, comprised of the coastal and oceanic  
14 waters and seabed off Oregon, Washington, and  
15 Alaska;

16 (H) the Western Pacific region, comprised  
17 of the coastal and oceanic waters and seabed off  
18 Hawaii, Johnston Island, Guam, American  
19 Samoa, and the Northern Mariana Islands, and  
20 other Western Pacific waters and seabed rel-  
21 evant to the purpose of the Program;

22 (I) the Caribbean region, comprised of the  
23 coastal and oceanic waters and seabed off Puer-  
24 to Rico, the United States Virgin Islands, and  
25 other tropical and subtropical waters and sea-

1           bed relevant to the purposes of the Program;  
2           and

3           (J) any other undersea region resulting  
4           from a modification under section 603(e)(5);

5           (10) “undersea research” means scientific re-  
6           search carried out in the oceans or large lakes of the  
7           world, using advanced underwater technology includ-  
8           ing diving, underwater observatories and labora-  
9           tories, research submersibles, remotely operated ve-  
10          hicles, autonomous vehicles, and any other research  
11          techniques necessary to carry out the provisions of  
12          this title; and

13          (11) “Under Secretary” means the Under Sec-  
14          retary of Commerce for Oceans and Atmosphere.

15 **SEC. 603. ESTABLISHMENT AND ADMINISTRATION OF NA-**  
16 **TIONAL UNDERSEA RESEARCH PROGRAM.**

17          (a) PROGRAM ESTABLISHMENT AND MAINTENANCE.—The Under Secretary shall establish and main-  
18          tain in the Administration a program to be known as the  
19          “National Undersea Research Program”.

21          (b) PROGRAM PURPOSE.—The purpose of the Pro-  
22          gram shall be to enhance scientific understanding of proc-  
23          esses in the oceans and large lakes of the world, by—

24                  (1) developing, maintaining, and carrying out  
25          undersea research programs;



1           (2) investigating, developing, and applying tech-  
2           nology for undersea research; and

3           (3) developing new approaches to undersea  
4           technology transfer and marine science education.

5           (c) NATIONAL UNDERSEA RESEARCH CENTERS.—  
6           The Program shall be conducted by the National Undersea  
7           Research Centers established pursuant to section 605(a).

8           (d) OFFICE OF UNDERSEA RESEARCH.—

9           (1) ESTABLISHMENT.—There is established in  
10          the Administration the Office of Undersea Research.

11          (2) PROGRAM DIRECTOR.—The head of the Of-  
12          fice and Program Officer of the National Undersea  
13          Research Program is the Director of the National  
14          Undersea Research Program, who shall be appointed  
15          by the Under Secretary from among individuals with  
16          extensive knowledge and expertise in undersea re-  
17          search and having appropriate administrative experi-  
18          ence.

19          (e) DUTIES OF PROGRAM DIRECTOR.—Subject to the  
20          supervision of the Under Secretary, the Program Director  
21          shall carry out the following duties:

22               (1) Facilitate and support the activities of  
23               Centers.

24               (2) Establish guidelines for the submission and  
25               review of proposals from the Centers and proposals

1 from individual researchers that are submitted to  
2 the Centers for research under the Program.

3 (3) Make grants and enter into contracts and  
4 cooperative agreements under section 608 to ad-  
5 vance knowledge in the priority research areas  
6 through the Centers.

7 (4) Support the Memorandum of Agreement  
8 Concerning Support of a National Academic Deep  
9 Submergence Facility for Scientific Use.

10 (5) Modify undersea regions as necessary and  
11 appropriate.

12 (6) Carry out any other duty assigned to the  
13 Program Director by this title.

14 (f) PRIORITY RESEARCH AREAS.—

15 (1) IN GENERAL.—The Under Secretary may  
16 use amounts appropriated for the Program to fund  
17 research, including long-term studies, within the fol-  
18 lowing priority research areas:

19 (A) Oceanic, coastal, estuarine, and  
20 limnological processes.

21 (B) Pathways and fates of materials in the  
22 oceans and large lakes.

23 (C) Diversity, distribution, productivity,  
24 and recruitment of organisms, including com-  
25 mercially valuable species, with respect to habi-

1           tat characteristics in the oceans and large  
2           lakes.

3           (D) Global change processes.

4           (E) Ocean lithosphere processes and min-  
5           eral resources.

6           (F) Undersea research platform and in-  
7           strument technology.

8           (G) Diving safety, physiology, and tech-  
9           nology.

10          (H) Studies under section 21(e) of the  
11          Outer Continental Shelf Lands Act (43 U.S.C.  
12          1347(e)).

13          (2) REVISION OF PRIORITY AREAS.—Upon the  
14          recommendation of the Committee, the Under Sec-  
15          retary may, after public comment, revise the priority  
16          research areas under paragraph (1).

17   **SEC. 604. ADVISORY COMMITTEE.**

18          (a) ESTABLISHMENT OF COMMITTEE.—The Under  
19          Secretary shall establish an independent advisory commit-  
20          tee to be known as the “National Undersea Research  
21          Advisory Committee”.

22          (b) COMPOSITION.—

23                (1) IN GENERAL.—The Committee shall consist  
24          of 9 members appointed by the Under Secretary  
25          from individuals who are eminent professional sci-

1 entists or engineers and active in at least one prior-  
2 ity research area, of whom 2 members shall be ap-  
3 pointed from individuals nominated by Center Direc-  
4 tors. The Under Secretary shall complete appoint-  
5 ments under this paragraph by not later than 6  
6 months after the date of the enactment of this Act.

7 (2) BALANCE.—In appointing members of the  
8 Committee, the Under Secretary shall seek to ensure  
9 balanced representation of—

10 (A) priority research areas,

11 (B) disciplines related to priority research  
12 areas, and

13 (C) geographic regions of the United  
14 States.

15 (3) PROHIBITION ON APPOINTMENTS.—Except  
16 as provided in paragraph (4), no member of the  
17 Committee may be an employee of a Center or of the  
18 Administration.

19 (4) EX OFFICIO MEMBERS OF THE COMMIT-  
20 TEE.—The Chief Scientist of the Administration  
21 shall be a nonvoting ex officio member of the Com-  
22 mittee.

23 (c) DUTIES.—The Committee shall—

24 (1) advise the Under Secretary and the Pro-  
25 gram Director concerning—

1 (A) the quality of research performed with  
2 grants awarded under this title, the applicabil-  
3 ity of such research to the priority research  
4 areas;

5 (B) the designation, establishment, and op-  
6 eration of Centers;

7 (C) the modification of undersea regions;

8 (D) the need to revise the priority research  
9 areas; and

10 (E) any other matters that the Under Sec-  
11 retary refers to the Committee for review and  
12 advice, or that the Committee considers appro-  
13 priate; and

14 (2) carry out any other duty specifically as-  
15 signed to the Committee by this title.

16 (d) TERM OF MEMBERSHIP.—

17 (1) IN GENERAL.—Subject to paragraph (2),  
18 the term of membership on the Committee shall be  
19 3 years.

20 (2) INITIAL APPOINTMENTS.—Of the members  
21 first appointed to the Committee—

22 (A) 3 members shall serve a term of 1  
23 year;

24 (B) 3 members shall serve a term of 2  
25 years; and

1                   (C) 3 members shall serve a term of 3  
2                   years;  
3                   as specified by the Under Secretary at the time of  
4                   appointment.

5                   (3) TERM LIMITATION.—No individual may  
6                   serve consecutive terms as a member of the Commit-  
7                   tee.

8                   (e) COMPENSATION.—Members of the Committee,  
9                   while performing official duties as members of the Com-  
10                  mittee, are entitled to receive compensation for travel and  
11                  transportation expenses under section 5703 of title 5,  
12                  United States Code.

13                  (f) CHAIRPERSON.—The members of the Committee  
14                  shall select annually from among the voting members of  
15                  the Committee an individual who shall serve as Chair-  
16                  person of the Committee. No member of the Committee  
17                  may serve more than 2 annual terms as Chairperson.

18                  (g) CONDUCT OF BUSINESS.—The Committee shall  
19                  conduct its business according to the majority vote of  
20                  those members present at a meeting of the Committee.

21                  (h) PUBLIC PARTICIPATION.—The following guide-  
22                  lines apply to the conduct of business by the Committee:

23                       (1) Each meeting shall be open to the public,  
24                       and interested persons shall be permitted an oppor-

1 tunity to present oral or written statements on items  
2 on the agenda.

3 (2) Timely notice of each meeting, including the  
4 time, place, and agenda, shall be published in the  
5 Federal Register and copies sent to all Center Direc-  
6 tors.

7 (i) EXEMPTION.—The Federal Advisory Committee  
8 Act (5 U.S.C. App.) shall not apply to the Committee.

9 **SEC. 605. ESTABLISHMENT OF NATIONAL UNDERSEA RE-**  
10 **SEARCH CENTERS.**

11 (a) ASSIGNMENT OF EXISTING REGIONS AND ESTAB-  
12 LISHMENT OF NEW CENTERS.—

13 (1) ASSIGNMENT OF REGIONS TO EXISTING  
14 CENTERS.—There are assigned to the Centers in ex-  
15 istence on the day before the date of the enactment  
16 of this Act undersea regions, as follows:

17 (A) The Western Pacific region is assigned  
18 to the Hawaii Undersea Research Laboratory.

19 (B) The United States Northeast Pacific  
20 and Californian regions are assigned to the  
21 West Coast National Undersea Research Center  
22 at the University of Alaska-Fairbanks.

23 (C) The United States Northern Atlantic  
24 and Great Lakes regions are assigned to the

1 National Undersea Research Center at the Uni-  
2 versity of Connecticut at Avery Point.

3 (D) The Mid-Atlantic Bight region is as-  
4 signed to the New York Bight National Under-  
5 sea Research Center.

6 (E) The United States Southern Atlantic  
7 region is assigned to the National Undersea Re-  
8 search Center at the University of North Caro-  
9 lina at Wilmington.

10 (F) The Caribbean region is assigned to  
11 the National Undersea Research Center at the  
12 Caribbean Marine Research Center.

13 (G) The Gulf of Mexico region is assigned  
14 to a new center to be established pursuant to  
15 subsection (f).

16 (2) ESTABLISHMENT OF NEW CENTERS.—The  
17 Under Secretary may establish a new Center to im-  
18 plement the Program for any undersea region at an  
19 institution of higher education or oceanographic re-  
20 search located in a State bordering the region—

21 (A) if there is a clearly demonstrated, sci-  
22 entific need for such a Center;

23 (B) if there are adequate funds available  
24 for the establishment of the Center;



1 (C) after reviewing each proposal submit-  
2 ted under subsection (b) with respect to that re-  
3 gion; and

4 (D) if the Committee concurs in the selec-  
5 tion of that institution.

6 (3) LIMITATION.—The Under Secretary may  
7 not establish a new Center for an undersea region  
8 if the expenditure of amounts for that Center would  
9 result in any reduction of amounts available for ex-  
10 penditure for any other Center.

11 (b) SOLICITATION OF PROPOSALS FOR NEW CEN-  
12 TERS.—

13 (1) IN GENERAL.—The Under Secretary may  
14 solicit proposals for the establishment of a new Cen-  
15 ter under subsection (a)(2) from institutions of high-  
16 er education or oceanographic research.

17 (2) PROPOSAL REQUIREMENTS.—A proposal  
18 under this subsection shall consist of—

19 (A) a proposed science program;

20 (B) a program management plan;

21 (C) a description of the facilities of the in-  
22 stitution at which the new Center is proposed to  
23 be established;

24 (D) a description of relevant capabilities of  
25 that institution;

- 1 (E) an operational safety plan;
- 2 (F) mechanisms for information transfer;
- 3 (G) a budget for the proposed Center; and
- 4 (H) any other information the Under Sec-
- 5 retary considers necessary.

6 (c) REVIEW OF PROPOSALS.—The Under Secretary  
7 and the Committee shall review each proposal submitted  
8 under subsection (b) on the basis of—

9 (1) relevance of the proposal to priority re-  
10 search areas; and

11 (2) the capability of the applicant institution to  
12 administer and direct research in those areas.

13 (d) CENTER DIRECTOR.—Each institution at which  
14 a Center is established under this section may select, in  
15 consultation with the Office, an individual who shall be  
16 the Center Director of that Center.

17 (e) 6-YEAR REVIEW OF CENTERS AND REGIONS.—

18 (1) IN GENERAL.—Every 6 years the Under  
19 Secretary and the Committee shall jointly review—

20 (A) the operation of each Center, except  
21 that in the case of a Center in existence on the  
22 day before the date of the enactment of this  
23 Act, the first review of the Center shall be com-  
24 pleted by not later than the date which is 5  
25 years after that date of enactment; and

1 (B) the configuration of undersea regions  
2 to determine whether those regions meet sci-  
3 entific needs for research in priority research  
4 areas.

5 (2) CONTENT OF REVIEW.—A review under this  
6 subsection shall consist of—

7 (A) an evaluation of the quality of the re-  
8 search conducted at the Center under the Pro-  
9 gram and the applicability of the research to  
10 the priority research areas, including consider-  
11 ation of the reviews conducted under section  
12 606(c);

13 (B) recommendations for changes in the  
14 scientific research program and the operation of  
15 the Center, that are considered beneficial by the  
16 Committee and the Under Secretary;

17 (C) a determination of whether the contin-  
18 ued operation of the Center will increase knowl-  
19 edge in the priority research areas; and

20 (D) recommendations for the modification  
21 of the undersea regions of the Center.

22 (3) ESTABLISHMENT OF NEW CENTER AT DIF-  
23 FERENT INSTITUTION.—If the Under Secretary and  
24 the Committee determine as a result of a review

1 under this subsection that continued operation of a  
2 Center is not warranted, the Under Secretary—

3 (A) shall provide notification of that deter-  
4 mination to the Center, including a description  
5 of any changes in the operations of the Center  
6 the Under Secretary considers necessary for  
7 continued operation of the Center;

8 (B) shall after 18 months after providing  
9 that notice, and not later than 2 years after  
10 providing that notice, review the implementa-  
11 tion of those changes by the Center; and

12 (C) may establish, at a different institution  
13 of higher education or oceanographic research,  
14 a new Center for the same undersea region in  
15 accordance with this section, if the Under Sec-  
16 retary determines as a result of the review  
17 under subparagraph (B) that those changes are  
18 not implemented.

19 (f) NEW CENTER.—

20 (1) GULF OF MEXICO.—

21 (A) ESTABLISHMENT.—Notwithstanding  
22 subsection (a)(2) and (a)(3), the Under Sec-  
23 retary shall establish at a qualified public insti-  
24 tution a Center to conduct the Program for the  
25 Gulf of Mexico undersea region, which shall be

1 known as the “Gulf of Mexico National Under-  
2 sea Research Center”. The Under Secretary  
3 shall establish that Center no later than 60  
4 days after the date of enactment of this Act.

5 (B) DEFINITION.—For the purposes of  
6 this paragraph, the term “qualified public insti-  
7 tution” means a public institution or consor-  
8 tium of public institutions of higher edu-  
9 cation—

10 (i) located directly on the coastline of,  
11 or having direct access to, the Gulf of  
12 Mexico;

13 (ii) with strong undergraduate and  
14 graduate programs in engineering, science,  
15 and technology as they may apply to un-  
16 dersea research;

17 (iii) with nationally recognized pro-  
18 grams in marine science and maritime  
19 studies, with strong consideration given to  
20 any institution with a degree granting  
21 maritime academy;

22 (iv) with facilities for maintaining and  
23 operating research and other vessels appro-  
24 priate for deployment of equipment nec-  
25 essary to conduct undersea research;

1 (v) with faculty and other personnel  
2 with expertise in undersea research;

3 (vi) capable of fully utilizing and  
4 working closely with the National Marine  
5 Sanctuary System in the Gulf of Mexico;  
6 and

7 (vii) capable of developing and main-  
8 taining cooperative undersea research pro-  
9 grams with Mexico.

10 (2) LIMITATION.—In carrying out this sub-  
11 section, the Under Secretary shall not reduce  
12 amounts available for carrying out the Memorandum  
13 of Agreement Concerning Support of a National  
14 Academic Deep Submergence Facility for Scientific  
15 Use.

16 **SEC. 606. NATIONAL UNDERSEA RESEARCH CENTER RE-**  
17 **SEARCH PROGRAMS.**

18 (a) INDIVIDUAL RESEARCH PROPOSALS.—

19 (1) SOLICITATION.—Each Center Director shall  
20 annually solicit individual proposals from the sci-  
21 entific community for research to advance the prior-  
22 ity research areas of the Program. Research under  
23 each proposal shall be primarily conducted within  
24 the undersea region of the Center, but may be con-  
25 ducted in another undersea region in cooperation

1 with the Center for that region, or other geographic  
2 areas with the approval of the Program Director. In-  
3 dividual proposals shall adhere to guidelines estab-  
4 lished by the Program Director pursuant to section  
5 603(e)(2). Proposals under this paragraph may be  
6 for multiyear research.

7 (2) INDIVIDUAL PROPOSAL REVIEW PROCESS.—

8 (A) IN GENERAL.—Each individual pro-  
9 posal shall be reviewed by an independent re-  
10 view panel and by not less than 3 anonymous  
11 mail reviewers. Each independent review panel  
12 shall be composed of not less than 4 individuals  
13 with experience in undersea research appointed  
14 by the Program Director, at least one of whom  
15 shall be a member of the Committee.

16 (B) PANEL REVIEW.—Each review by an  
17 independent review panel shall—

18 (i) assess the scientific merit of the  
19 individual research proposal;

20 (ii) assess the ability of the Center to  
21 carry out the proposed research; and

22 (iii) the applicability of the proposal  
23 to the priority research areas.

24 (C) MAIL REVIEWS.—Each mail review  
25 shall consider—

- 1 (i) the scientific merit of the proposal;  
2 and  
3 (ii) the capability of the principal in-  
4 vestigator to carry out or support the pro-  
5 posed research.

6 (3) ALLOWANCE FOR RESPONSE.—

7 (A) IN GENERAL.—Subject to any regula-  
8 tion that is issued by the Program Director, a  
9 Center Director shall—

10 (i) provide to each person who sub-  
11 mits to the Center a proposal under this  
12 section blinded copies of all mail reviews of  
13 the proposal conducted under paragraph  
14 (2), and

15 (ii) give the person not more than 14  
16 days to respond to those reviews before  
17 rendering any final decision regarding  
18 funding for the proposal.

19 (B) REVIEW OF PROCESS BY COMMIT-  
20 TEE.—Not later than 3 years after the date of  
21 the enactment of this Act, the Committee  
22 shall—

23 (i) whether all Centers are implement-  
24 ing subparagraph (A);



1 (ii) determine whether the opportunity  
2 of persons who submit proposals to re-  
3 spond to reviews pursuant to subparagraph  
4 (A) has been utilized by those persons;

5 (iii) determine whether those re-  
6 sponses have been effective in ensuring full  
7 and fair consideration of those proposals;  
8 and

9 (iv) recommend to the Program Direc-  
10 tor that the procedures established by sub-  
11 paragraph (A) be continued, terminated, or  
12 modified (including the specific modifica-  
13 tions which should be made).

14 (C) REGULATIONS IMPLEMENTING REC-  
15 OMMENDATIONS.—The Program Director may  
16 issue regulations implementing any rec-  
17 ommendation made by the Committee under  
18 subparagraph (B)(iv).

19 (b) PROPOSED CENTER PROGRAM.—Each fiscal year  
20 each Center Director shall submit to the Program Direc-  
21 tor—

22 (1) a proposed program for the Center for the  
23 upcoming fiscal year, which shall adhere to guide-  
24 lines established by the Program Director pursuant  
25 to section 603(e)(2) and shall include—

1 (A) a description of the activities per-  
2 formed and research funded by the Center in  
3 the previous fiscal year;

4 (B) those individual research proposals  
5 submitted under subsection (a) that the Center  
6 Director determines to be meritorious based on  
7 reviews conducted under that subsection;

8 (C) a proposed budget for the operation of  
9 the Center for the current fiscal year;

10 (D) any other materials requested by the  
11 Program Director to clarify the proposed pro-  
12 gram; and

13 (E) an annually revised long-range re-  
14 search and operations plan; and

15 (2) reviews, and responses thereto, of all indi-  
16 vidual research proposals submitted to the Center  
17 Director for the upcoming fiscal year.

18 (c) REVIEW OF PROPOSED CENTER PROGRAMS.—  
19 The Program Director shall review the proposed programs  
20 submitted by each Center Director under subsection (b)  
21 and make recommendations to the Under Secretary for  
22 funding allocations under section 608(b).

23 (d) GIFTS, DEVISES, AND BEQUESTS.—Each Center  
24 may accept, solicit, and use the services of volunteers, and  
25 may accept, receive, hold, administer, and use gifts, de-

1 vises, and bequests, to carry out the research program of  
2 the Center.

3 **SEC. 607. PROCEDURES FOR JOINT REVIEW OF RESEARCH**  
4 **PROPOSALS.**

5 The Under Secretary, in consultation with the Pro-  
6 gram Director and the Committee and jointly with the Di-  
7 rector of the National Science Foundation and the Sec-  
8 retary of the Navy, shall—

9 (1) develop procedures for the submittal and  
10 joint review of proposals for research in priority re-  
11 search areas to be carried out with assistance from  
12 2 or more agencies within the Department of Com-  
13 merce, the National Science Foundation, or the De-  
14 partment of Defense; and

15 (2) issue final rules establishing those proce-  
16 dures by not later than 1 year after the date of the  
17 enactment of this Act.

18 **SEC. 608. GRANTS AND CONTRACTS FOR NATIONAL UNDER-**  
19 **SEA RESEARCH CENTERS.**

20 (a) AUTHORIZATION.—The Under Secretary may  
21 make grants and enter into contracts and cooperative  
22 agreements under this section to fund any Center program  
23 if the Under Secretary finds that the program will advance  
24 knowledge in the priority research areas.

25 (b) ALLOCATION OF FUNDING.—

1           (1) IN GENERAL.—Based on the reviews under  
2           section 606(c) of proposed Center programs, the  
3           Under Secretary shall—

4                   (A) allocate among the Centers, in such  
5           manner as will best advance knowledge in the  
6           priority research areas, all amounts available  
7           for the current fiscal year for research to be  
8           conducted by the Centers and administration of  
9           the Centers, consistent with each Center's long-  
10          term responsibilities to conduct priority re-  
11          search; and

12                   (B) notify each Center Director of the  
13          amount allocated to that Center under subpara-  
14          graph (A).

15          (c) TERMS AND CONDITIONS.—

16           (1) IN GENERAL.—Any grant made or contract  
17          entered into under this section shall be subject to  
18          paragraphs (2) and (3) and to any other terms, con-  
19          ditions, and requirements the Under Secretary con-  
20          siders necessary.

21           (2) LIMITATIONS ON USE FOR LAND AND  
22          BUILDINGS.—Amounts provided under any grant or  
23          contract under this section may not be used for—

24                   (A) the purchase of any land; or

1 (B) the purchase or construction of any  
2 building.

3 (3) MAINTENANCE OF RECORDS.—Any person  
4 who receives or utilizes any proceeds of any grant of  
5 contract under this section shall keep any records  
6 the Under Secretary prescribes as necessary to fa-  
7 cilitate effective audit and evaluation, including re-  
8 ports which full disclose the amount and disposition  
9 of funds received under this title, the total cost of  
10 activities for which those funds were used, and the  
11 amount, if any, of costs which were provided  
12 through other sources. The records shall be main-  
13 tained for 6 years after the completion of the activ-  
14 ity. The Under Secretary and the Comptroller Gen-  
15 eral of the United States, or any of their duly au-  
16 thorized representatives, shall have access, for the  
17 purpose of audit and evaluation, to any books, docu-  
18 ments, papers, and records of receipts, which in the  
19 opinion of the Under Secretary or of the Comptroller  
20 General may be related or pertinent to the grants  
21 and contracts.

22 **SEC. 609. FINANCIAL ASSISTANCE REVIEW BOARD.**

23 After the date of the enactment of this Act, grants  
24 and contracts under the Program shall not be subject to

1 review by the board in the Department of Commerce  
2 known as the Financial Assistance Review Board.

3 **SEC. 610. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) CENTER PROGRAM FUNDING.—There is author-  
5 ized to be appropriated to the Under Secretary for use  
6 for grants and contracts under section 608, to remain  
7 available until expended, \$18,000,000 for fiscal year 1995,  
8 \$18,540,000 for fiscal year 1996, \$19,100,000 for fiscal  
9 year 1997, \$19,670,000 for fiscal year 1998, and  
10 \$20,260,000 for fiscal year 1999.

11 (b) OFFICE OF UNDERSEA RESEARCH.—There is au-  
12 thorized to be appropriated to the Under Secretary for the  
13 administration of the Office of Undersea Research and  
14 support of the Memorandum of Agreement Concerning  
15 Support of a National Academic Deep Submergence Facil-  
16 ity for Scientific Use, to remain available until expended,  
17 \$2,100,000 for fiscal year 1995, \$2,200,000 for fiscal year  
18 1996, \$2,300,000 for fiscal year 1997, \$2,400,000 for fis-  
19 cal year 1998, and \$2,500,000 for fiscal year 1999.

20 (c) REVERSION OF UNOBLIGATED AMOUNTS.—The  
21 amount of any grant, contract, or portion of a grant or  
22 contract, made under section 603 or 608 that is not obli-  
23 gated before the end of the third fiscal year in which it  
24 is authorized to be obligated—

25 (1) shall revert to the Under Secretary; and

1           (2) shall remain available for grants or con-  
2       tracts under that section.

3       (d) LIMITATIONS ON USE.—Amounts appropriated  
4       under the authority of subsection (a) shall not be available  
5       for administration of this title by the Office, or for pro-  
6       gram or administrative expenses of the Administration or  
7       the Department of Commerce.

8       **SEC. 506. HYDROGRAPHIC SURVEYING AND MAPPING SERV-**  
9                               **ICES.**

10       The Secretary of Commerce may award contracts for  
11       hydrographic surveying and mapping services in accord-  
12       ance with title IX of the Federal Property and Adminis-  
13       trative Services Act of 1949 (40 U.S.C. 541 et seq.).

14       **SEC. 507. FEASIBILITY STUDY.**

15       No later than 180 days after the date of enactment  
16       of this Act, the Secretary of Commerce shall submit to  
17       the Committee on Merchant Marine and Fisheries and the  
18       Committee on Natural Resources of the House of Rep-  
19       resentatives and the Committee on Commerce, Science,  
20       and Transportation of the Senate, a study on the feasibil-  
21       ity and desirability of converting the offshore gas produc-  
22       tion platform known as High Island A389A, owned by  
23       Mobil Exploration and Production U.S., Inc., to a marine  
24       research station for the purpose of supporting investiga-  
25       tions of the northern Gulf of Mexico and for use as a field

1 laboratory for training students and marine science pro-  
2 fessionals in technologies related to the exploration and  
3 study of the Gulf of Mexico. The study shall include—

4           (1) an assessment of the need for such a re-  
5 search platform, including consultations with Na-  
6 tional Oceanic and Atmospheric Administration line  
7 and program offices, other relevant Federal and  
8 State agencies with research and management re-  
9 sponsibilities in the Gulf of Mexico, and academic in-  
10 stitutions involved in the study of the Gulf of Mexico  
11 ecosystem;

12           (2) an assessment of the financial feasibility of  
13 converting the platform, including the cost of con-  
14 version from a gas production facility to a marine  
15 science research station, the cost of operation of the  
16 platform as a marine science field station, the cost  
17 of removal of the platform at the end of its func-  
18 tional life span, and the potential costs to users of  
19 the platform; and

20           (3) a description of potential users of the plat-  
21 form, potential funding strategies, permit require-  
22 ments, and time schedules and constraints.



1 **SEC. 508. COORDINATED EFFORTS TO CONSERVE, PRO-**  
2 **TECT, AND REBUILD PACIFIC SALMON**  
3 **STOCKS.**

4 (a) The Secretary of Commerce, in cooperation with  
5 other federal agencies, the states of Washington, Oregon,  
6 and California and tribal and local fisheries and natural  
7 resource management agencies, shall develop and imple-  
8 ment an inter-agency and intergovernmental cooperative  
9 plan to protect, restore and enhance Pacific salmon and  
10 their habitats in those states. The plan shall be based on  
11 existing Pacific salmon restoration efforts and shall in-  
12 clude, but not be limited to—

13 (1) developing and implementing watershed  
14 plans to rebuild targeted stocks of Pacific salmon in  
15 those states; and

16 (2) other actions needed to restore and conserve  
17 stocks of Pacific salmon and their habitats in those  
18 states.

19 (b) Not later than January 1, 1996, and annually  
20 thereafter until the Secretary of Commerce determines  
21 that Pacific salmon stocks have recovered, the Secretary  
22 shall prepare and submit to the Committee on Merchant  
23 Marine and Fisheries in the House of Representatives and  
24 the Committee on Commerce, Science, and Transportation  
25 of the Senate a report on progress made under this section  
26 to conserve, protect, and rebuild Pacific salmon stocks.

1 **SEC. 509. EDUCATION PROGRAM TO REDUCE THE RISK AS-**  
2 **SOCIATED WITH CONSUMING RAW**  
3 **MOLLUSCAN SHELLFISH.**

4 (a) IN GENERAL.—Of amounts available under sec-  
5 tion 713c-3(d) of the Saltonstall-Kennedy Act of 1954,  
6 as amended, (15 U.S.C. Sec. 713c-3), the Secretary of  
7 Commerce is authorized to use \$500,000 for a comprehen-  
8 sive education program to reduce and prevent illnesses and  
9 deaths associated with the consumption of raw molluscan  
10 shellfish.

11 (b) TRANSFER AUTHORITY.—The Secretary of Com-  
12 merce is authorized to transfer up to \$500,000 of amounts  
13 authorized to be expended under subsection (a) to another  
14 federal agency to carry out the purposes of this section.

15 (c) LIMITATION.—The Secretary of Commerce, or the  
16 head of a federal agency to which the Secretary transfers  
17 funds under this section, may not use more than 5 percent  
18 of amounts authorized to be expended under this section  
19 for administrative expenses.

Passed the House of Representatives September 26,  
1994.

Attest:

*Clerk.*



103D CONGRESS  
2D SESSION

# H. R. 4008

## AN ACT

To authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1995 and 1996, and for other purposes.